

## PROPOSAL PAPER

### Independent Technical Panel on Demand Management Measures Final Report on California Landscape Water Use

10-29-15 Draft

#### Section #: 7

#### Section Title: Complementary Policies & Regulations

#### Recommendation #2: Permit Required for Irrigation Installation

**Authoring Team:** Ed Osann

**Background:** It has been the goal of the state since at least 1990 that new landscapes and major renovations of existing landscapes should be designed and installed to be water-efficient. The state's Model Water Efficient Landscape Ordinance (MWELO), now in its third iteration, carries standards and criteria for new and renovated landscape projects that are included in projects that require a local permit, such as the construction of a new building, the extension of electric or natural gas lines from an existing building, or major excavation and regrading. However, the coverage of MWELO as specified in the Model Ordinance has a major gap that leaves a very significant portion of new landscape projects *not subject to any standards*. This is because it is common practice in most parts of the state for home builders to leave the back yards of new homes unlandscaped. What's more, in some parts of the state, it is common for front yards to be left unlandscaped by home builders as well. Thus, in many cases the building permit for the new home does not include the landscape, and the owner-initiated landscape projects that may follow new home construction by anywhere from a few months to a few years are *not subject to the Model Ordinance* because in most localities, the installation of landscape materials and an irrigation system as a stand-alone project do not themselves require a permit.

**Recommendation Purpose Statement:** The proper design, installation, and control of automatic landscape irrigation systems is essential to the efficient use and avoidance of waste of water. Stand-alone landscape projects are common in California, and should not be exempt from permitting. While the planting of landscape materials can take place over an extended period of time, the irrigation system largely controls the delivery of water to the landscape. Thus, the installation of an irrigation system for a large landscape is itself an appropriate "trigger" for a permit subject to all requirements of MWELO. Unpermitted installations would be evident, as the difference between irrigated and unirrigated space can be readily identified, either on-site or through aerial imagery. Developer-installed landscape projects would continue to be covered by a building permit, without requiring a separate permit for the irrigation system.

The third version of MWELO is scheduled to take effect on December 1, 2015, and DWR has indicated a preference for a multi-year revision cycle. We recommend that the Legislature directly incorporate a requirement for the permitting of stand-alone irrigation installations for commercial and large residential landscapes into the Water Conservation and Landscaping Act. The effect will be to bring stand-alone landscape projects under the scope of the revised MWELO in all local jurisdictions without further rule-making action by DWR.

In light of the diverse and challenging conditions in which ornamental landscapes are installed, and the frequent changes in irrigation technology and plant varieties, the avoidance of waste requires that all large new landscapes and major renovations should require a permit.

**Recommendation (Statutory):**

At the appropriate place in the Water Conservation in Landscaping Act (*Government Code*, Article 10.8, sections 65591 – 65599), add the following:

\_\_\_\_\_. (a) On or after July 1, 2016, the installation, expansion, or replacement of any automatic irrigation system for a landscape project subject to this article and not otherwise within the scope of a local agency permit shall require a written permit, *provided that*, such irrigation system is to serve:

- (1) a non-residential landscape, except a cemetery; or
- (2) a residential landscape of 5,000 square feet or greater.

(b) Before issuing any permit required by this section, the governing body of a local agency may adopt an ordinance prescribing fees for filing an application for such permit, but the fees shall not exceed the amount reasonably required by the local agency to issue such permits, and shall not be levied for general revenue purposes.